IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.156/2006

Natthi Lal S/o Shri Chunni Lal & Others
(All L.Rs. of deceased Smt. Teeja)
...plaintiff-appellants
Versus
Rameshwar Lal (since deceased) through L.Rs.
Smt. Ratni Devi & Others
AND
Madan Lal S/o Hazari Mal Bohara
...defendant-respondents

Date of Order ::: 02.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri A.L. Verma, Counsel for the appellants
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By the Court:-

Heard learned counsel for the appellants.

The plaintiff filed a suit for declaration in the lower court to declare that she is the owner of one-half share of the disputed property left by late Shri Hazari Lal. The learned lower court framed a specific issue no.1 in this regard. After considering the oral and documentary evidence, the learned lower court recorded a finding that late Shri Hazari Lal died on 4.7.1933 i.e. much before the Hindu Women's Right to Property Act, 1937, came into force. Consequently the suit was dismissed.

The learned counsel for the appellants does not dispute that in case this finding is found to be correct then the appellant does not have any right over the property, in dispute.

The main question involved in the present case was about the date of death of late Shri Hazari Lal. According to the plaintiff, Hazari Lal died in the year 1939 whereas according to the defendants he died on 4.7.1933. The learned lower court as well as the first appellate court both, after considering the evidence on record, have recorded a concurrent finding of fact that late Shri Hazari Lal died on 4.7.1933.

I have considered the submissions of the learned counsel for the appellant in the light of the findings of both the courts below and I find that the controversial issues involved in the present case relate to question of fact and there is concurrent finding of fact by both the courts below, which cannot be interfered with by this court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//